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**PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT**

Docket Number

ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

PT02977Y

RECEIVED

First Named Inventor: KWOK, LIH ET AL. Group Art Unit: 2671
Application Number: 09/694,441 Examiner: VO, CLIFF N.
Filed: 10/24/00
Title: AN ELECTRONIC DEVICE HAVING AN INTERACTIVE DISPLAY SCREEN

JUL 21 2003

OFFICE OF PETITIONS

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1550
Alexandria, VA 22313-1450

Note: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(I)). Applicant claims small entity status
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 110.00

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____

(identify type of
reply)

An amendment and fee transmittal

☒ has been filed previously on 2/27/03

☐ is enclosed herewith

B. The issue fee of \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

07/21/2003 AMCHDAF1 00000019 502117 09694441

01 FC:1452 110.00 DA

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3. Terminal Disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity; or
\$ _____ For other than a small entity) disclaiming the required period of time is enclosed herewith
(See PTO/SB/63)

4. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

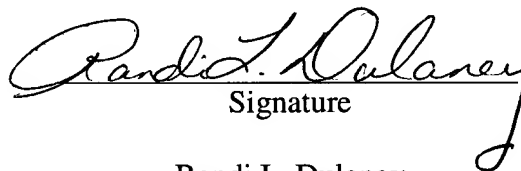
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

7/17/03

Date

Telephone

Number (954) 723-6449



Signature

Randi L. Dulaney

Typed or printed name

Registration Number: 46,148

Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

Address

- Enclosures:
- ☒ Fee Payment
 - ☒ Copy of Reply along with Copy of Stamped returned post card
 - ☐ Terminal Disclaimer Form
 - ☐ Additional sheets containing statements establishing unavoidable delay
 - ☒ No fees are believed to be due since this application was abandoned through no fault of Applicant(s). Accordingly, a refund to Deposit Account No. 50-2117 of any petition fees associated herewith is hereby respectfully requested.

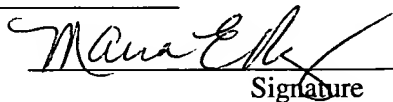
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first-class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231
- ☐ Transmitted by facsimile on the data shown below to the United States Patent and Trademark office at (703) 308-6916
- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313
Express Mail Label No. EV 302727995 US

7/17/03

Date



Signature

Maria E. Rodriguez

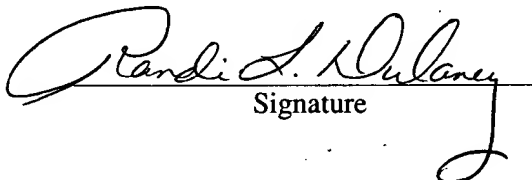
Typed or printed name of person signing
certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by an other party who is presenting statement concerning the cause of delay

7/17/03

Date


Signature

Randi L. Dulaney

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicant respectfully submits that the abandonment of the subjected application for patent was unavoidable. On June 23, 2003, Applicant received notice of such abandonment mail date 06/18/2003 from the USPTO stating that the subjected application was abandoned in view of "Applicant's failure to timely file a proper reply to the Office letter mailed on 20 November 2002."

In In re Katrapat, AG (1988), 70 Commissioner Quigg discussed unavoidability:

"[The word 'unavoidable'] is applicable to ordinary human affairs, and requires no more or greater care than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present."

(Please attach additional sheets if additional space is necessary)

Cont'd

Applicant respectfully submits that Applicant utilized the care generally used and observed by prudent and careful persons with regards to the subjected application and required reply as follows:

- a) Applicant received the first office action dated November 20, 2002 from the USPTO on November 26, 2003 with a 3 month period set for timely reply.
- b) Applicant timely filed a response to the office action on February 20, 2003 including a certificate of mailing so dated. The response (as enclosed) included an amendment and fee transmittal.
- c) On March 4, 2003, Applicant received the return post card for the subjected case date stamped as received by the Patent and Trademark Office on February 27, 2003. (copy enclosed)
- d) No further communication was received from the USPTO to indicate any further action required by Applicant up until the receipt of the notice of abandonment dated June 18, 2003.

Based on the above outlined set of events, Applicant respectfully submits that Applicant has made a satisfactory showing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable was unavoidable. Applicant therefore requests revival of this unavoidably abandoned patent application.